



17364 U.S. PTO  
021804

322856 U.S. PTO  
10/781179  
021804

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Anthony William Sly

Filed: Herewith

For: OPHTHALMIC FLUID

### CERTIFICATION UNDER 37 CFR § 1.10

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the U.S. Postal Service in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR § 1.10, Mailing Label Number **EV175026980US** addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date 2/18/04

By Richard A. Parkoff

MAIL STOP PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

### PATENT APPLICATION TRANSMITTAL LETTER

Transmitted herewith for filing, please find the following:

#### Type of Application:

Utility (non-provisional)

- Divisional  
 Continuation  
 Continuation-In-Part (CIP)

**Incorporation by Reference:**

- [X] The entire disclosure of the prior application, **from which a copy of the Oath or Declaration is supplied**, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference herein (37 CFR § 1.63(d))

**Benefit of Prior U.S. Application(s) Claimed (37 CFR § 1.78):**

- [X] **PLEASE ENTER THE FOLLOWING AMENDMENT TO THE SPECIFICATION UNDER THE CROSS REFERENCE TO RELATED APPLICATIONS SECTION:**

- [ ] This application claims the benefit of U.S. Provisional Application(s) No(s). 60/\_\_\_\_\_, filed on \_\_\_\_\_.  
[X] This application is a [X] continuation [ ] continuation-in-part [ ] divisional of copending U.S. Application Serial No(s). 10/049,784, filed February 15, 2002, which is the national phase application of PCT/AU00/00977, filed August 16, 2000.  
[ ] International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and which designated the U.S.

**Benefit of Prior Foreign Application(s):**

- [X] Priority is claimed under 35 U.S.C. § 119 of Application No. PQ2281 filed on August 18, 1999 in Australia.  
[ ] A Certified Copy of each of the following application(s) for which priority is claimed:

COUNTRY	APPLICATION NO.	FILING DATE

- [ ] is enclosed.  
[ ] has been filed in prior Application Serial No. 0/\_\_\_\_\_, which was filed on \_\_\_\_\_.

**Application Elements Enclosed:**

- [X] 13 Pages of Specification  
[X] 2 Pages of Claims  
[ ]    Sheets of Drawings  
    [ ] Formal  
    [ ] Informal  
    [ ] Petition to Accept Photographs (37 CFR § 1.84(b)).  
[ ]    Page(s) of Abstract of the Disclosure

**Accompanying Application Parts:**

- [ ] Associate Power of Attorney  
[X] Preliminary Amendment  
[X] Information Disclosure Statement  
[X] Form PTO 1449 (PTO/SB/08A, 08B)  
[ ] Copies of Cited References  
[ ] Non-Publication Request (PTO/SB/35)  
[ ] Microfiche (Appendix) (37 CFR § 1.96(c)).  
[X] Return Receipt Postcard (itemized)

**Declaration or Oath and Power of Attorney:**

- [ ] New (executed original or copy).  
[ ] New (unexecuted).  
[X] Copy from prior application (37 CFR § 1.63(d))

**Deletion of Inventor(s) (37 CFR § 1.63(d)(2), 1.33(b)):**

- [ ] Signed Statement deleting inventor(s) named in the prior application is attached.

**Assignment:**

- An executed Assignment of the invention to Planned Products Party Ltd.

**Small Entity Statements:**

- Applicant claims small entity status under 37 §§ CFR 1.9 and 1.27.

**Extension of Time for Response:**

- Applicant respectfully requests a retroactive extension of three months, namely until February 19, 2004, for filing a response to the Official Action mailed August 19, 2003, in the above-identified application. Applicant submits herewith the fee required in connection with the requested extension, namely \$475.00.

**The filing fee has been calculated as shown below:**

	<u>NO. FILED</u>	<u>NO. EXTRA</u>	<u>SMALL ENTITY</u>		<u>OR</u>	<u>OTHER THAN SMALL ENTITY</u>	
BASIC FEE				\$385	<u>OR</u>		\$770
TOTAL CLAIMS	<u>11</u>	<u>- 20 =</u>	<u>0</u>	x 9 =	\$ -0-	<u>OR</u>	<u>x 18 =</u>
INDEP. CLAIMS	<u>2</u>	<u>- 3 =</u>	<u>0</u>	x 42 =	\$-0-	<u>OR</u>	<u>x 84 =</u>
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM(S)			+140 =	\$ -0-	<u>OR</u>	+280 =	\$
			TOTAL	\$ 385	<u>OR</u>		\$

**Method of Payment of Fees:**

- No filing fee is to be paid at this time.
- Please charge my Deposit Account No. 04-1679 in the amount of \$\_\_\_\_\_. This transmittal is attached in duplicate.
- A check in the amount of \$860.00 (\$385 for filing fee; \$475 for three month extension of time) is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 04-1679.

**Authorization to Charge Additional Fees:**

***NOTE: if no fees are to be paid on filing, the following items should NOT be completed.***

- The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to Deposit Account No. 04-1679.
- Filing fees (37 CFR § 1.16(a), (f) or (g)).
- Presentation of extra claims (37 CFR § 1.16(b), (c) and (d)).
- Surcharge for filing the basic filing fee and/or declaration later than the filing date of the application (37 CFR § 1.16(e)).
- 37 CFR §§ 1.17(a)(1)-(5) (*Extension fees pursuant to 37 CFR § 1.136(a)*).
- Application processing fees (37 CFR § 1.17).

Date: 2/18/04

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Attorney Docket No.: 283702-14-1  
PHI\1174851.1

**PATENT  
MAIL STOP PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : **Not Yet Assigned**  
Applicant : **Anthony William Sly**  
Filed : **Herewith**  
TC/A.U. :  
Docket No. : **283702-14-1**  
Customer No. : **08933**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATION UNDER 37 C.F.R. §1.10**

Sir:

I certify that this document along with the enclosed continuation patent application, transmittals and documents to which reference is made therein, are being deposited with the United States Postal Service as "Express Mail, Post Office to Addressee" Mailing Label Number No. **EV175026980US** on February 18, 2004 to the following:

MAIL STOP PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Respectfully submitted,

Date: 2/18/04

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